

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN HYLAND,

Plaintiff

Case No. 3:24-cv-00544-MMD-CSD

ORDER

v.

ROYAL, et al.,

Defendants

On December 5, 2024, the Court directed pro se plaintiff Kevin Hyland, an inmate in the custody of the Nevada Department of Corrections, to either pay the full \$405 filing fee for this matter or file a complete application to proceed *in forma pauperis*. (See ECF No. 3). Instead of satisfying the matter of the filing fee, Plaintiff filed a motion for appointment of counsel alleging “complexities” in his case and noting that he has “no legal training.” (ECF No. 4). Plaintiff has neither paid the filing fee nor filed a complete application to proceed *in forma pauperis*. The Court will grant Plaintiff an extension of time to satisfy the matter of the filing fee.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that Plaintiff has **until March 10, 2025**, to either pay the full
7 \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
8 three required documents: (1) a completed application with the inmate's two signatures
9 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
10 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
11 previous six-month period.

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
13 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
14 to refile the case with the Court, under a new case number, when Plaintiff can file a
15 complete application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is kindly requested to send Plaintiff the approved form
17 application to proceed *in forma pauperis* for an inmate with instructions and retain the
18 complaint (ECF No. 1-1) but not file it at this time.

19 The Court defers a decision on the motion for appointment of counsel (ECF No. 4)
20 until the matter of the filing fee is satisfied.

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22 DATED: February 11, 2025

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24 _____
25 UNITED STATES MAGISTRATE JUDGE
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